

DOCKET NO. 2002.12.028.WTO
U.S. SERIAL NO. 10/017,050
PATENT

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claims 1, 3, 4, 6-8, 10, 11, 13-15, 17, 18 and 20 are amended herein.

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested.

In Sections 2 and 3 of the November 26, 2004 Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,243,596 to Kikinis (hereafter, "*Kikinis*"). The Applicants respectfully traverse the rejection of Claims 1-20.

The Applicants direct the Examiner's attention to amended independent Claim 1, which contains the following unique and non-obvious limitations:

1. For use in a communications system, an apparatus for wireless software download to a wireless communications device capable of Internet access comprising:
 - an auxiliary device separate from the wireless device including sufficient storage for holding program code to be downloaded; and
 - a connection between the wireless communications device and the auxiliary device,
 - wherein the program code to be downloaded is retrieved from a remote server through a wireless connection for the wireless communications device to the auxiliary device and installed from the auxiliary device onto the wireless communications device. (Emphasis added)

The Applicants respectfully submit that the *Kikinis* reference does not disclose, suggest, or even hint at the above-emphasized limitations.

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The *Kikinis* reference describes a cellular telephone battery pack:

...adapted to allow a cellular telephone to which the battery pack adapter is engaged to act as a portable computer with Internet browsing capability. Battery pack adapter 100 comprises a battery for powering the cell-phone browsing device, and also hardware and software for providing functionality as an Internet browsing device. *Kikinis*, col. 15, lines 11-17.

The cellular telephone acts as a modem for the Internet browser in the battery pack adapter. See *Kikinis*, col. 15, lines 34-38. The battery pack includes a CPU and memory storing the browser program. See *Kikinis*, col. 18, lines 39-61. The battery pack also includes a display and input keys to allow a user to view and navigate Web pages. See, *Kikinis*, col. 17, lines 53-67. The Applicant is unable to find in the *Kikinis* reference any teaching that information loaded from the Internet is installed into the cellular telephone.

Thus, the *Kikinis* reference describes an Internet browsing device that uses a cellular telephone as a modem in order to view Web pages. The *Kikinis* reference does not teach an auxiliary device, separate from a wireless device, that downloads program code via the wireless device into the auxiliary device, as recited in amended Claim 1. Nor does the *Kikinis* reference describe the installation of such downloaded code from the auxiliary device onto the wireless device, as also recited in amended Claim 1.

Therefore, independent Claim 1 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Kikinis* reference. This being the case, Claim 1 is patentable over the *Kikinis* reference. Dependent Claims 2-7 depend from independent Claim 1 and

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contain all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-7 are patentable over the *Kikinis* reference.

Additionally, amended independent Claims 8 and 15 contain limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 8 and 15 are patentable over the *Kikinis* reference. Finally, dependent Claims 9-14 and 16-20, which depend from independent Claims 8 and 15, contain all of the unique and non-obvious limitations recited in Claims 8 and 15. Thus, Claims 9-14 and 16-20 are patentable over the *Kikinis* reference.

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SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*


John T. Mockler
Registration No. 39,775